

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 8, 2003

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday, July 8, 2003.

Mayor Warmington opened the meeting with a prayer from Pastor Sarah Johnson from Word of Truth Outreach, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Karen Buie; Commissioners Stephen Gawron, William Larson, Robert Schweifler, Clara Shepherd and Lawrence Spataro; City Assistant Manager Lee Slaughter, City Attorney John Schrier and City Deputy Clerk Linda Potter.

2003-54 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, June 24, 2003.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Road Salt Procurement Authorization. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize road salt procurement for the 2003/2004 winter season through the State of Michigan Extended Purchasing Program.

FINANCIAL IMPACT: Per ton price yet to be determined; average winter usage of 4,318 tons at the 2002/2003 extended price of \$25.08/ton totals \$108,295.

BUDGET ACTION REQUIRED: None; expense budgeted for through public works.

STAFF RECOMMENDATION: Approve.

c. Housing Commission Appointment. CITY MANAGER

SUMMARY OF REQUEST: To remove Stanley Hussey from the Housing Commission for lack of attendance and to appoint Ms. Bobbie Jones to the Housing Commission as the resident commissioner.

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: None

STAFF RECOMMENDATION: To approve the request.

d. Selection of Siding Supplier for Fiscal Year 2003-2004. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Community and Neighborhood Services department selection of the vinyl siding supplier for fiscal year 2003-2004. After reviewing all bids, the department selected the lowest bid by Premier Building Supplies located at 2151 S. Harvey, Muskegon for the price of \$39.20 (thirty-nine dollars and twenty cents) per square for white and \$40.34 (forty dollars and thirty-four cents) per square for color.

FINANCIAL IMPACT: Funding will be allocated from the 2003-04 siding fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

e. Approval of Rehabilitation Contract for 503 Octavious – Jackson Hill Urban Renewal Project #1 (WGIRT). COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Lewis Johnson, 16076 Bonita, Grand Haven, MI for the completion of the rehabilitation of the City owned home at 503 Octavious for \$75,900 the low bid submitted under Jackson Hill Urban Renewal Project # 1 (WGIRT)

After the rehabilitation is completed the totally rehabilitated structure will be sold to a qualified family as an owner-occupied home continuing the City's neighborhood revitalization efforts.

FINANCIAL IMPACT: Funding for this project will be taken from the City's 2002 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve Community and Neighborhood Services request.

f. Approval of Title Contract for 2003-2004 Fiscal Year. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve a contract with LandAmerica Transnation Title Insurance Co, 570 Seminole, Norton Shores for title work. LandAmerica Transnation submitted the lone bid of \$70.00 per title search.

FINANCIAL IMPACT: Funding for cost will come from the 2004 HOME Administration and CDBG Inspection allotment.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve CNS request.

g. Selection of Siding Contractors for Fiscal Year 2003-2004.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Community and Neighborhood Services to sign contracts with Fredricks Construction, 1940 Commerce, Muskegon, Cutting Edge Construction, 975 Washington, Muskegon, and Top Notch Construction, 4750 Jensen, Fruitport Township to install vinyl siding at an agreed price of \$65.00 (sixty-five dollars) per square for the siding program 2003-2004 fiscal year.

FINANCIAL IMPACT: Funding will be disbursed from the 2003-2004 CDBG Siding fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve request.

h. FIRST READING: Ordinance amending Section 92-33 of the Code of Ordinances concerning changes in the Vehicle Code POLICE DEPARTMENT

SUMMARY OF REQUEST: To amend Section 92-33, subsection 8.26 of the Code of Ordinances Limitation on parking or standing of certain commercial vehicles.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of amendment.

i. Accept Resignations and Make Appointments to Various Boards and Committees COMMUNITY RELATIONS

SUMMARY OF REQUEST: To accept the resignation of Chip Sawyer and Kathy Jackson from the Downtown Development Authority and appoint Luis Suarez to the Equal Opportunity Committee and Scott Medema to the Downtown Development Authority.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To accept resignations and make the appointments.

Motion by Vice Mayor Buie, second by Commissioner Gawron to approve the Consent Agenda as read.

ROLL VOTE: Ayes: Spataro, Warmington, Buie, Gawron, Larson, Schweifler, Shepherd

Nays: None

MOTION PASSED

2003-55NEW BUSINESS:

REQUESTED TO MOVE ITEM D. TO BEGINNING OF NEW BUSINESS.

d. Liquor License Request – Star 4, Inc. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Star 4, Inc. to add a New Entertainment Permit (golf simulator) to their Class C-SDM licensed business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Pending final inspection, all departments are recommending approval with the exception of Planning which is recommending denial due to expanding non-conforming use.

Motion by Commissioner Larson, second by Commissioner Schweifler to approve request Star 4, Inc. to add a New Entertainment Permit (golf simulator) to their Class C-SDM licensed business pending final inspection.

ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSED

**a. Mexican Consulate Identification Cards – Matricula Consular.
AFFIRMATIVE ACTION**

SUMMARY OF REQUEST: To adopt the resolution recognizing the Matricula Consular as a form of identification in dealing between the public and City government.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the resolution recognizing the Matricula Consular as a form of identification in dealings between the public and City government.

ROLL VOTE: Ayes: Buie, Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSED

**b. Set Public Hearing for Amendments to Brownfield Plan – Gillespie Development; Loft Properties, LLC and Parmenter O'Toole.
PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for

amendments to the Brownfield Plan. The amendments are for the inclusion of property owned by lakefront LLC, which will be sold to Gillespie Development Loft Properties, LLC and leased to Parmenter O'Toole. The property is located within Edison Landing.

FINANCIAL IMPACT: There is no direct financial impact in setting the public hearing, although the development of the offices, condominiums and retail space, proposed by the owner/developers of the Edison Landing site, will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority will meet on July 7, 2003 to consider approval of the Brownfield Plan Amendments and recommend the approval of the Brownfield Plan Amendments to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority will consider recommending that the Muskegon City Commission set a public hearing on the Plan Amendments for August 12, 2003.

Motion by Commissioner Larson, second by Commissioner Schweifler to approve the resolution setting a public hearing for amendments to the Brownfield Plan.

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington, Buie

Nays: None

MOTION PASSED

c. Second Quarter 2003 Budget Reforecast. FINANCE

SUMMARY OF REQUEST: At this time staff is transmitting the Second Quarter 2003 Budget Reforecast which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated economic conditions, or other factors. For the next meeting, an action item will be placed on the agenda for adoption of the second quarter budget reforecast together with any additional changes deemed necessary by Commissioners.

FINANCIAL IMPACT: General fund revenues continue to deteriorate. The estimate for City income tax revenues has been reduced by \$200,000 and the shortfall in state shared revenues, when compared to the original budget, currently stands at \$515,220. We have included in the 2nd Quarter Reforecast the projected use of another \$500,000 in budget stabilization fund reserves. General fund expenditures are projected to be \$257,257 more than originally budgeted primarily due to large capital projects that were anticipated to be completed in 2002 when the 2003 budget was prepared.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: The City Commission should review the Reforecast to ensure it reflects their policy initiatives. At the next City Commission meeting, staff will request formal approval of the Reforecast and related budget amendments.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Second Quarter 2003 Budget Reforecast.

ROLL VOTE: Ayes: Larson, Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron

Nays: None

MOTION PASSED

e. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: INSPECTIONS

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structures located at **1112 Williams, 412 Muskegon, 1177 Kenneth, 345 E. Forest, 1246 Fifth, 85 Hartford, 1087 W. Grand, and 723 Amity**, are unsafe, substandard, public nuisances and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

1. 112 Williams St.

CASE 3 & PROJECT ADDRESS: #02-45, 1112 Williams, Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on Williams between Isabella and Catherine. It is owned by Randy Farber.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 9/6/02 and an interior inspection was conducted 10/23/02. A Notice and Order to repair was issued 11/25/02. The owner submitted a time frame for repairs which was presented to the HBA on 2/6/03. The HBA accepted the timeframe, but declared the structure substandard with a 120 day delay in forwarding to CC to allow the owner time to complete the repairs.

OWNER CONTACT: The owner contacted the Inspection office about pulling a permit to complete the repairs, but disagreed with the value determined by the Director. He refused to pay the fee and has not contacted the office since.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$14,200

ESTIMATED COST TO REPAIR: \$18,000

2. 412 Muskegon Ave.

CASE# & PROJECT ADDRESS: 01-034, 412 W. Muskegon Ave.

LOCATION AND OWNERSHIP: This structure is located in the Nelson Neighborhood on Muskegon Avenue between Fifth and Sixth Streets. It is owned by Brian Cunningham.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 6/29/01. A Notice and Order to repair or demolish was issued 7/23/01. On 9/6/01 the HBA granted 90 days to complete all repairs or demolish the structure. No repairs have been done and no permits have been pulled. On June 3, 2003 the HDC deemed the structure unsafe and concurred with the HBA to demolish.

OWNER CONTACT: There has been no contact since the HBA meeting.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$13,400

ESTIMATED COST TO REPAIR: \$8,000 plus the cost of interior repairs.

3 1177 Kenneth

CASE# & PROJECT ADDRESS: #02-93, 1177 Kenneth, Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on Kenneth between Holt and Maple. It is owned by U.S. Bank.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 12/9/02 and an interior inspection was scheduled for 12/18/02. It was not conducted because of no one appearing to open the dwelling. A notice and order to repair was issued 2/21/03. On 4/3/03 Chris West appeared before the HBA and stated he was letting the property go back to the bank because of past problems with tenants trashing the house. The HBA declared the house substandard on that date.

OWNER CONTACT: None

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$14,100

ESTIMATED COST TO REPAIR: \$8,000

4. 345 E. Forest

CASE # & PROJECT ADDRESS: #02-63, 345 E. Forest, Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on E. Forest between Pine and Smith St. It is owned by Absalon Lamarr White.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 9/11/02 and a Notice and Order to repair was issued 11/25/02. The owner

appeared before the HBA on 2/6/03 and stated he wanted to save the structure. The HBA declared it on that date, but the Director of Inspections stated he would work with the owner in the time frame specified within the dangerous building process. An interior inspection was conducted 3/17/03 and the owner was granted 90 days to complete the repairs. Permits were to be pulled by 4/15/03. There has been no contact from the owner since 4/7/03 and no permits have been pulled.

OWNER CONTACT: There has been no contact from the owner since 4/7/03 and no permits have been pulled.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$15,300

ESTIMATED COST TO REPAIR: \$10,000

5. 1246 Fifth St.

CASE# & PROJECT ADDRESS: #02-90, 1246 Fifth St., Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on Fifth Street between Monroe and Merrill St. It was owned by Chuck Wishart, but has gone back to a bank.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 11/22/02 and an interior inspection was conducted 1/23/03. A notice and order to repair was issued 2/27/03. On 4/03/03 no one appeared to represent the case and the HBA declared the structure substandard.

OWNER CONTACT: There has been no contact from the owner.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$19,400

ESTIMATED COST TO REPAIR: \$8,000

6. 85 Hartford

CASE# & PROJECT ADDRESS: #85 Hartford, Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on Hartford between Pine and Terrace and is owned by James Bauer.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 2/19/03 and a Notice and Order to repair was issued 3/5/03. Mr. Bauer telephoned the Inspection office on 4/30/03 and stated he intended to repair the house and would be applying for rental rehab through CNS. On 5/1/03 the HBA declared the structure a public nuisance, substandard, and dangerous building. As of 6/10/03 Mr. Bauer has not applied for rental rehab.

OWNER CONTACT: Mr. Bauer telephoned the Inspection Office on 4/30/03 and stated he intended to repair the house and would be applying for rental rehab through CNS. As of 6/10/03 Mr. Bauer has not applied.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$18,400

ESTIMATED COST TO REPAIR: \$4,000 and cost of interior repairs.

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals to demolish the following structures and to direct administration to obtain bids for the demolitions and that the Mayor and City Clerk be authorized to sign the contract.

1. 1112 Williams
2. 412 Muskegon
3. 1177 Kenneth
4. 345 E. Forest
5. 1246 Fifth
6. 85 Hartford

ROLL VOTE: Ayes: Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, Larson

Nays: None

MOTION PASSED

7. 1087 W. Grand

CASE# & PROJECT ADDRESS: #00-56 – 1087 W. Grand, Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on W. Grand, between Barclay and Franklin. It is owned by Brenda and Larry Davis.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 7/20/00 because of a fire. In October 2000 the HBA tabled the case for 60 days and the case was again tabled in January 2001. The owners have had problems with their contractors and have filed a formal complaint to the state. There have been numerous progress inspections and all permits have been pulled. The case was again brought before the HBA in February 2003 and tabled 4 months before forwarding to commission.

OWNER CONTACT: There has been much contact between the owners, contractors and Inspection staff and director.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$26,600

ESTIMATED COST TO REPAIR: \$30,000

Motion by Commissioner Larson, second by Vice Mayor Buie to table item for 90 days and to have Inspections keep the City Commission updated on progress of work done on home.

ROLL VOTE: Ayes: Shepherd, Warmington, Buie, Larson

Nays: Spataro, Gawron, Schweifler

MOTION PASSED

8. 723 Amity

CASE# & PROJECT ADDRESS: #02-89 – 723 Amity, Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on Amity between Kenneth and Holt. It was owned by Lisa Brandel, but has gone back to the state.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 11/27/02 and an interior inspection was conducted 1/7/03. A notice and order to repair was issued 1/8/03 to Lisa Brandel and copied to Celena Levelston, who thought she was purchasing the home from Ms. Brandel. Ms. Levelston was ordered to evacuate the premises 1/8/03 because of dangerous conditions. On 3/6/03 the HBA declared the structure a public nuisance, substandard, and dangerous building.

OWNER CONTACT: Ms. Levelston has been in contact with the Director of Inspections, but has been unable to proceed with any repairs due to her inability to prove ownership.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$21,400

ESTIMATED COST TO REPAIR: \$30,000

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals to demolish 723 Amity and to direct administration to obtain bids for the demolition of the structure and have the Mayor and City Clerk to sign the contract.

ROLL VOTE: Ayes: Spataro, Warmington, Buie, Gawron, Larson, Schweifler, Shepherd

Nays: None

MOTION PASSED

The Regular Commission Meeting for the City of Muskegon was adjourned at 7:01PM.

Respectfully submitted,

Gail Kunding, MMC